

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-050498

05/29/2008

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
D. Galligan
Deputy

IN RE THE MARRIAGE OF
JENNIFER E BRODY

FRANCES SUSAN MCGINNIS

AND

JOEL N BRODY

JOEL N BRODY
15041 N 7TH DR
PHOENIX AZ 85023

ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

Courtroom 107- Northeast Regional Court Center

4:25 p.m. This is the time set for Resolution Management Conference.
Petitioner/Mother is present with counsel, Frances Susan McGinnis. Respondent/Father is present on his own behalf.

A recording of this proceeding is being made by CD (FTR) in lieu of a court reporter.

Jennifer E. Brody and Joel N. Brody are sworn and testify.

Counsel for Petitioner advises the Court that the parties have reached agreements as to joint custody of the minor child. The parenting time schedule that the parties are currently following is: alternating weeks, Father picks up the child from day care 2 days a week during Mother's week, and Mother has one night of Father's week in exchange for Mother's week.

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Father does not want the parenting time schedule that the parties are currently following be a final order of the court.

Father is requesting four days to pick up the minor child from day care during Mother's week and Mother may have one overnight during Father's week. Mother is objecting to Father's request for four days during her week.

Based on the testimony presented,

IT IS ORDERED affirming the settlement conference set for **August 8, 2008 at 1:30 p.m.** before Commissioner Anderson. Counsel and/or the parties will receive a minute entry from ADR setting forth the necessary settlement conference information. Counsel and/or the parties should not contact ADR directly.

IT IS ORDERED setting Trial to the Court regarding the Petition for Dissolution of Marriage on the issues of child support, parenting time, division of property and debts on **August 25, 2008 at 1:30 p.m. (2 hours allowed)** in this Division at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Courtroom 107
Phoenix, Arizona 85032

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial. Such a Motion shall set forth good cause to extend the time and specifically include a list of each and every witness who will testify, and an estimate of the time and subject matter of the expected testimony of each witness.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rule 49, Arizona Rules of Family Law Procedure, including an exchange of all relevant information and documents within the time limits set forth in Rule 49. In addition, the parties shall exchange final lists of witnesses, including a summary of the testimony of each witness, and exhibits no later than 30 days prior to Trial.

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2. All depositions and discovery contemplated by Rules 51 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than 20 days prior to Trial.

3. Counsel and both parties shall personally meet, face to face (unless both parties are unrepresented and there has been domestic violence between them), at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pretrial Statement, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76(C), Arizona Rules of Family Law Procedure, no later than 5 days prior to trial, unless both parties are unrepresented and there has been domestic violence between them. If the parties are unrepresented and there has been domestic violence between them, they shall file separate pretrial statements.

IT IS FURTHER ORDERED that, in addition to the information required by Rule 76(C), the Pretrial Statement shall include:

1. A current Affidavit of Financial Information completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as evidence by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).

2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.

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4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

5. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested. The party requesting spousal maintenance also shall prepare a document stating the need for spousal maintenance, including a list of monthly expenses and a discussion of the factors under A.R.S. §25-319 justifying the amount of spousal maintenance.

6. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

7. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Schweiger v. China Doll Restaurant, Inc., 138 Ariz. 183, 673 P.2d 927 (App. 1983).

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71(A), Arizona Rules of Family Law Procedure and Local Rule 6.2(e), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if the parties have more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. The parties shall present the Clerk with their exhibits in consecutive, numerical order; Petitioner's exhibits shall begin with exhibit 1 and Respondent's exhibits shall continue in consecutive, numerical order thereafter. All exhibits must be presented to the Clerk for marking; a space will not be held for an exhibit that is listed on an Exhibit List, but omitted from the set delivered to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial, all exhibits that the

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parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 30 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

4:42 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.